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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,060	07/14/2003	Kristen K. Hedstrom	1652.2003-003	6899

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EXAMINER
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NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/619,060

Applicant(s)

HEDSTROM ET AL.

Examiner

Christopher J. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-25 and 27-86 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,6-22,24,25,28-46,48-50,52-69 and 71-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,23,27,45,47,51 and 70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 4 and 26 have been canceled.

#### ***Election/Restrictions***

Applicants' election without traverse of Species I, claims 1-3, 5-11, 23-25, 27-33, 45, 47, 49-57 and 68-76 in the reply filed on August 10, 2005 is acknowledged. Applicants' further election without traverse of Subspecies A, claims 5, 27, 51 and 70 (under Species I) in the reply filed on August 10, 2005 is acknowledged. Accordingly, claims 2, 3, 6-22, 24, 25, 28-46, 48-50, 52-69 and 71-86 have been withdrawn from consideration as being directed to nonelected Species and Subspecies.

Accordingly, an action on the merits follows for claims 5, 27, 51 and 70 (drawn to Subspecies A) and for their respective parent claims 1, 23, 45 and 47 (drawn to Species I).

#### ***Specification***

The disclosure is objected to because of the following informalities:

In page 4, line 10, --of-- should be inserted after "section" as a minor grammatical correction.

In page 5 the specification, in describing Figs. 2A-2C, does not refer to the number "131" or to the element this numeral denotes.

In the amendment to page 7, line 22, "terminated" should be corrected to --terminate--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5, 23, 27, 45, 47, 51 and 70 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans '209.

With respect to claim 1, Evans '209 shows a coupler 201 (Figs. 15-17) for connecting a pair of like corrugated chambers 200, comprising a mating feature (surface of 250) to mate with a first chamber 200 and a second chamber 200; and an adjustment feature 249 (Fig. 15), 257 (Fig. 34) including a swivel connector 250 for adjusting the angle between the first chamber 200 and the second chamber 200 within a range of angles.

As to claim 5, the swivel connector 250 includes a post member 210 (Fig. 33).

Regarding claim 23, Evans '209 shows a leaching field (due to the presence of holes 216 in Fig. 5) comprising a plurality of corrugated chambers 200, including a first chamber 200 and a second chamber 200; a coupler 201 (Figs. 15-17) connecting the first chamber 200 with the second chamber 200, the coupler 201 comprising a mating feature (surface of 250) mating the coupler 201 between the first chamber 200 and the second chamber 200; and an adjustment feature 249 (Fig. 15), 257 (Fig. 34) including a swivel connector 250 for adjusting the angle between the first chamber 200 within a range of angles.

With respect to claim 27, the swivel connector 250 includes a post member 210 (Fig. 23).

As to claim 45, Evans '209 shows a method of fabricating a coupler 201 (Figs. 15-17) for connecting a pair of like corrugated chambers 200 (Fig. 17), comprising forming a mating feature (surface of 250) to mate with a first chamber 200 and a second chamber 200; and forming an adjustment feature 249 (Fig. 15), 257 (Fig. 34) including a swivel connector 250 for adjusting the angle between the first chamber 200 and the second chamber 200 within a range of angles.

Regarding claim 51, forming the swivel connector 250 includes forming a post member 210 (Fig. 33).

With respect to claim 47, Evans '209 shows a method of constructing a leaching field (due to the presence of holes 216 in Fig. 5) comprising a plurality of like corrugated chambers 200, including a first chamber 200 and a second chamber 200; connecting the first chamber 200 and the second chamber 200 with a coupler 201 (Figs. 15-17), the coupler 201 (Figs. 15-17) comprising a mating feature (surface of 250) mating the coupler 201 (Figs. 15-17) between the first chamber 200 and the second chamber 200; and an adjustment feature 249 (Fig. 15), 257

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(Fig. 34) including a swivel connector 250 for adjusting the angle between the first chamber 200 and the second chamber 200 within a range of angles.

As to claim 70, the swivel connector 250 includes a post member 210 (Fig. 33).

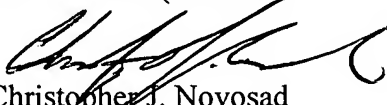
***Response to Remarks***

Applicants' Remarks have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Christopher J. Novosad  
Primary Examiner  
Art Unit 3671

October 7, 2005